

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-755-R - ORDER NO. 94-1280✓
DECEMBER 21, 1994

IN RE: South Carolina Movers Conference -)	ORDER
On Behalf of Household Carrier Members)	GRANTING
of the Motor Truck Rate Bureau, Inc.)	EMERGENCY
)	PETITION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Emergency Petition to continue temporarily Motor Freight Tariff No. 8-P, filed by David Popowski, Esquire, on December 14, 1994, on behalf of the South Carolina Movers Conference (SCMC).

Popowski alleges in his Petition that on August 23, 1994, President Clinton signed the Federal Aviation Administration Authorization Act of 1994, that included Section 601 entitled Preemption of Intrastate Transportation of Property. This legislation becomes effective January 1, 1995, and prohibits states from enacting or enforcing a law, regulation, or other provision having the force and effect of law related to a price, route, or service by motor carriers of property, except for transportation of household goods, and certain other exceptions. The SCMC is a division of the South Carolina Trucking Association, according to the Emergency Petition. The Petition further alleges that SCMC has approximately 30 members. The Motor Truck Rate

Bureau, Inc. (MTRB) is a South Carolina non-profit corporation that acts as a forum and publishes rates, classifications, allowances, and charges in accordance with an agreement among its members, approved by this Commission pursuant to Section 58-23-1010 of the Code of Laws of South Carolina (1976, as amended). The MTRB performs the above functions for approximately 70 household goods carriers, many of whom are members of the SCMC. Pursuant to Sections 5.5 of the Procedure, By-Laws and Contract of the MTRB, the SCMC appoints a "Special Representative" to "deal direct with the MTRB and present in writing proposals having to do with rates, rules and regulations governing the transportation of Household Goods, as may have been decided upon and approved by such members of the MTRB whose main interest is the movement of Household Goods." The MTRB has thus published and there is now in effect Motor Freight Tariff No. 8-P, effective October 15, 1993, and supplements thereto, governing joint and local rates applying on household goods for traffic having origin, destination and entire transportation within the State of South Carolina. The Petition alleges that because the vast majority of its members are non-household goods carriers, as a result of the federal preemption legislation, the MTRB is proposing to dissolve effective December 31, 1994. The carrier members of the SCMC are in the process of establishing a non-profit corporation for the purpose of entering into an agreement to establish and publish joint rates, classifications, allowances, and charges, and will seek Commission approval of that agreement pursuant to Section

58-23-1010. The Petition requests that, pending the incorporation of that corporation and the approval of its agreement by the Commission, SCMC, on behalf of its members who are participants in Motor Freight Tariff No. 8-P, the Commission continue in effect Motor Freight Tariff No. 8-P through and including the earlier of February 28, 1995, or the approval by the Commission of the agreement of the new ratemaking corporation.

The Commission has examined this matter and also the provisions of the Federal Aviation Administration Authorization Act of 1994. Clearly, this Act exempts from its provisions prices relating to transportation of household goods. Therefore, the Commission believes that it has full authority to examine and rule on SCMC's Petition. After having considered the request, the Commission believes that granting the Petition will be in the public interest, and help smooth the transition between the end of 1994, and the beginning of 1995, at which time a number of changes are occurring due to the Federal Aviation Administration Authorization Act of 1994. It makes sense to continue in effect Motor Freight Tariff No. 8-P to minimize confusion during the transitional periods described in the Emergency Petition. The Commission therefore believes that the Emergency Petition should be granted.

IT IS THEREFORE ORDERED THAT:

1. Motor Freight Tariff No. 8-P shall continue in effect through and including the earlier of February 28, 1995, or the approval by the Commission of the agreement of the new ratemaking

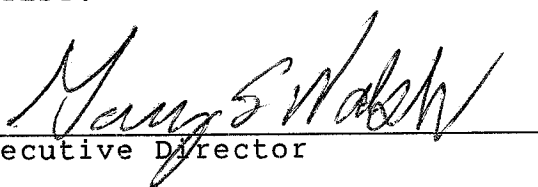
corporation as described above.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)